

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 578, FOOD AND DRUGS ACT.

ADULTERATION OF OLIVES.

On or about February 23, 1910, the Cusimano & Tujague Company, New Orleans, La., imported from the Kingdom of Italy to said city 104 kegs of olives. An examination of samples of this product made under the direction of the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the said shipment was liable to seizure under section 10 of the act, the facts were reported to the United States attorney for the Eastern District of Louisiana.

In due course a libel was filed in the District Court of the United States for said district against the said 104 kegs of olives, charging the above shipment and alleging the product to be adulterated, in that said olives consisted in whole or in part of filthy, decomposed vegetable substances.

On July 10, 1910, the said Cusimano & Tujague Company intervened, claiming to be the sole owner of the product in question, admitting that the olives were wormy and consisted in whole or in part of a filthy and decomposed vegetable substance, and consenting to a judgment of condemnation of the product and petitioning the court that, inasmuch as the product had not been finally released by the customs officers and could be sold for the purpose of manufacturing olive oil for manufacturing and mechanical purposes, said olives be released to the claimant upon payment of the costs of these proceedings and upon the execution and delivery of a good and sufficient bond conditioned that said product should not be sold or otherwise disposed of in violation of law.

The case coming on for hearing, the court, being fully informed in the premises, issued its decree sustaining the allegation of the libel above set forth and condemning the above-mentioned olives and ordering their destruction, with a proviso, however, that in the event of the above claimant paying all the costs of these proceedings and executing and delivering a bond in the penal sum of \$500, conditioned that said olives and all products thereof so seized should not be sold or disposed of in any manner contrary to the provisions of said act approved June 30, 1906, and conditioned further that the said olives and all by-products thereof should not be used for human consumption and should be shipped back to Palermo, Italy, then the said marshal should redeliver and surrender the said olives to the above claimant in lieu of their destruction.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 27, 1910.*

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